

Application No. 09/914,658  
Applicant: Gerd Hoborn et al.  
Response to Restriction Requirement

### REMARKS

Applicants reserve the right to prosecute the subject matter of the non-elected claims in a divisional application, if such subject matter is not ultimately granted here.

Regarding the traversal, the traversal is on the grounds that Groups IV, V and VI should be examined together with Group I. In this regard, Applicant would call the Examiner's attention to the Commissioner's Notice published in the Official Gazette on March 26, 1996, at 1184 OG 86. According to that notice:

"[A]pplicant may be called upon under 35 U.S.C. § 121 to elect claims to either the product or the process. The claims to the non-elected invention will be withdrawn from further consideration. However, in the case of an elected product claim, rejoinder will be permitted when a product claim is found allowable and the withdrawn process claim depends from and otherwise includes all the limitations of an allowed product claim."


See also MPEP §821.04 ("Rejoinder"). Applicant presumes that the Examiner is proceeding in accordance with this notice, and that Groups IV, V and VI will be rejoined and examined in the event that Group I is found to be allowable. If not, then Applicant would appreciate an explanation from the Examiner of why this notice is not applicable.

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Early and favorable action is earnestly solicited.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Response to Restriction Requirement (4 pages total) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: January 23, 2004

By   
David D. Kim